

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Innovation in the Broadcast Television Bands:	)	ET Docket No. 10-235
Allocation, Channel Sharing, and Improvements	)	
to VHF	)	

REPLY COMMENTS OF COCOLA BROADCASTING COMPANIES, LLC

Cocola Broadcasting Companies, LLC (“CBC”), by its attorney, here submits a Reply in the referenced proceeding. CBC is licensee of full service KGMC, Channel 43, in Clovis, CA, serving much of the San Joaquin Valley. The Company also operates more than twenty LPTV and TV Translator stations, in the Valley, the Central Coast of California and in Boise, Idaho. CBC has embraced the transition to digital television, and increasingly offers multi-channel network and originating services on its stations, see descriptions at <http://www.cocolatv.com/stations.html>.

The Broadband Plan envisions a “voluntary” transition of TV broadcasting to make room for additional fixed and mobile non-broadcast users in the VHF and UHF bands (“the U/V bands”). This is to be accomplished by securing incumbent broadcasters' agreement to (1) relinquish their channel in exchange for compensation; (2) enter into sharing of a single channel by more than one station; or (3) migrate from the UHF band to the VHF band. As noted here by Cohen, Dippell and Everest PC, by Lin Television Corp. (“Lin”), and by the National Translator Association, the Broadband Plan is not the product of notice and comment rule making, and has never been adopted by the Commission. Some of the implementing scenarios for full service TV will require legislation, the precise delegations of which are unknown and perhaps unknowable.

With the Notice herein, and now a round of comment, we are struck that the record appears to be fragmentary, even in terms of its own objectives. It does not provide the full road map for a

practical transition. Accept for a moment that compensation issues, and whether they would include compensation for displaced LPTV stations such as CBC's, are unresolved and possibly beyond the scope of this rule making. Many other sticky issues remain. At this point it is unknown whether the Commission would mandate clearance of a large single block, such as Channels 38 to 51, or would take a different approach in major markets from smaller markets. It is unknown whether the economics of compensation would favor extinguishment of stations altogether, as opposed to channel sharing or VHF migration. It is unknown how many stations would "volunteer" for one type of service diminution or another. As a result, the degree of pressure on incumbent users of the U/V bands is a huge unknown.

CBC has embraced the potential of DTV and has built out a total of eight low power DTV stations (in addition to its full service digital TV). These offer a variety of program services, including shopping, Spanish-language, sports, children's, classic TV, and religion. The public is steadily gaining awareness and acceptance of program services having such identities as "33.1" or "33.7," and CBC is gaining operational experience in programming and promoting these services. In short, CBC is a case study in Lin Broadcasting's wise observation that TV broadcasting itself is a dynamic industry, whose value and efficiency will change and grow over time. This is especially so because DTV for the most part is only two years old, and in LPTV and TV Translators the transition is still underway.

Low power television broadcasters have been given the opportunity to implement DTV either by same-channel "flash cut" or by licensing a companion channel. Either way these facilities remain secondary. But historically, the Commission has been liberal and creative in according displacement relief, so that LPTV facilities have rarely, if ever been forced to leave the air. The new initiative is something entirely different, implying wholesale displacement, with or without compensation. The scope is largely unknown. This is having an immediate effect of causing licensees like CBC to question the wisdom of further DTV investment. In a similar vein, the embrace of new technologies, such as that supporting mobile TV, may be stalling out. As Belo Broadcasting has noted here,

initiatives that might explore broadband deployment using some of the existing capacity of digital TV broadcasters are unlikely to make it to the starting gate. CBC itself would like to begin immediately to deliver broadband over part of its LPTV capacity, if there were provision for modulation other than ATSC 8VSB to build out suitable transmission platforms and home reception capabilities.

Prescriptively, all this suggests that the reallocation of the entire U/V band for co-equal status with fixed and mobile radio is premature. It would introduce an elements of risk that impedes and impairs Digital Television, even while the need for wholesale re-allocation has not been demonstrated and may never materialize. As a practical matter, CBC does not envision any plan that would enable its multi-channel services in the San Joaquin Valley to survive. Intensively used multi-program channels cannot be merged. Stations that previously migrated into the core channels, Channels 2 to 51, have too few remaining channels for a new round of displacement. Before this process goes much further, we ask the Commission to better quantify the implicit public service losses in its plan, including local origination, program diversity, and access to TV audience for local advertisers at favorable rates. Concurrently, while the need for high-speed broadband is manifest, we ask the Commission to demand efficiencies from incumbent broadband providers and then to quantify the new need within express boundaries, so that the entirety of television broadcasting – full service TV and Low Power TV – is not deterred from innovation by a cloud over its entire industrial existence.

Respectfully submitted,

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